

**GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA**

UNSTARRED QUESTION NO:3520

ANSWERED ON:07.12.2016

Reservation for Disabled Persons

Hari Shri G.

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether the Government has created an arbitrary and irrational distinction by excluding identified posts in Group "A & B" from the three per cent reservation for disabled persons;

(b) if so, the details thereof;

(c) whether direct recruitment to the post of Group A and B will lead to denial of disabled persons in the C and D category any chances of promotion to higher ranks; and

(d) if so, the details thereof?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office.
(DR. JITENDRA SINGH)

(a) to (d): Reservation for Persons with Disabilities (PWDs) is administered under the provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act, 1995).

At present, reservation for persons with disabilities in direct recruitment is available in Group A and B posts.

Presently, 3% reservation for persons with disabilities are computed on the basis of total number of vacancies occurring in direct recruitment quota in Group A and B and 3% of the vacancies occurring in direct recruitment and promotion in Group C and Group D (wherever Group D posts are still available in the respective cadre).

Para 15 of the Office Memorandum No. 36035/3/2004-Estt.(Res) dated 29.12.2005 provided that all establishments shall maintain Group-wise reservation roster for determining/effecting reservation for persons with disabilities for direct recruitment and promotion separately. However, this Office Memorandum has been quashed by the Hon'ble Supreme Court in its Judgment dated 30.06.2016 in Writ Petition (Civil) No. 521 of 2008 titled Rajeev Kumar Gupta Vs. Union of India, which inter-alia, directed the Government to extend three percent reservation to Persons with Disability in all identified posts in Group A and B, irrespective of the mode of filling up of such posts. A Review Petition [(Civil) No. 3719 of 2016] has been filed in this matter in the Hon'ble Supreme Court.
